IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No. 5188 of 1994

For Approval and Signature:

HONOURABLE MR.JUSTICE AKIL KURESHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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NAVI GUJARATI PRATHAMIK SHALA - Petitioner(s)
Versus
STATE OF GUJARAT & 2 - Respondent(s)

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Appearance :
MR NS SHETH for Petitioner(s) : 1,
MS ARCHNA RAVAL, AGP for Respondent(s) : 1 - 2.
MR SK BUKHARI for Respondent(s) : 3,

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CORAM : HONOURABLE MR.JUSTICE AKIL KURESHI

Date : 21/04/2006

ORAL JUDGMENT

1.In the present petition, the petitioner-School Management has challenged the legality of an order dated 11-10-1993 passed by the Primary Education Tribunal. By the impugned order all that Tribunal

directed was to make payment of salary of for period between 15-11-1989 to 17-04-1990 during which period it was found that respondent no.3 had actually discharged his duties who was paid salary only of Rs. 400/- per month. The tribunal therefore ordered payment of regular salary for period in question. Apparently, the order of the Tribunal does not call for interference in exercise of powers under Article 226 and 227 of the Constitution of India. Even other-wise considering the smallness of the amount involved, this Court would have been reluctant to entertain the petition. In any case, it is stated by the learned advocate Shri Bukhari appearing for respondent no.3 that said respondent has expired nearly three years back. No steps have been taken by the petitioner for bring her heirs on record. This petition is rejected as having abated qua contesting respondent no.3. Rule is discharged with no order as to costs.

(Akil Kureshi,J.)

(raghu)